

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

JASON CARMONA,)
)
 Plaintiff,)
)
 v.) 1:21CV729
)
 UNION COUNTY DISTRICT)
 ATTORNEY, et al.,)
)
 Defendants.)

ORDER

Plaintiff Jason Carmona filed a Complaint, (ECF No. 1), under 42 U.S.C. § 1983 in the United States District Court for the Western District of North Carolina. The Western District later transferred the matter to this District and Plaintiff filed an Amended Complaint as of right, (ECF No. 14).

On January 14, 2022, the United States Magistrate Judge filed a Recommendation, (ECF No. 16), recommending that the matter be dismissed under 28 U.S.C. § 1915A for failing to state a claim upon which relief can be granted, and notice was served on the parties pursuant to 28 U.S.C. § 636. Plaintiff submitted what was docketed as Objections to the Recommendation but styled as a Motion to Amend, (ECF No. 18), seeking to amend the Complaint to state a proper claim for relief.

On March 24, 2022, the United States Magistrate Judge filed another Recommendation, (ECF No. 19), recommending that the Motion to Amend be denied. Notice was served on the parties pursuant to 28 U.S.C. § 636. In the Recommendation, the U.S. Magistrate Judge

ordered that any objections to either Recommendation be filed by April 7, 2022. Plaintiff filed objections, (ECF No. 21), within the time limit prescribed. The Court has reviewed Plaintiff's objections *de novo* and finds that they do not change the substance of the United States Magistrate Judge's Recommendations, (ECF Nos. 16, 19), which are both affirmed and adopted.

To the extent that Plaintiff may be attempting to again move to amend the complaint, that request will be denied because he has not filed a proper motion or included the proposed amended complaint. Moreover, the amendment would be futile since it appears that he is seeking to amend to sue an entity which is not a proper defendant under 42 USC § 1983.

IT IS THEREFORE ORDERED that Plaintiff's requests to amend are DENIED.

IT IS FURTHER ORDERED that this action is DISMISSED pursuant to 28 U.S.C. § 1915A for failing to state a claim upon which relief may be GRANTED, without prejudice to Plaintiff filing a new Complaint stating a claim against a proper party or pursuing any claims he may have under state law in state court.

This, the 9th day of May 2022.

/s/ Loretta C. Biggs
United States District Judge